UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Nigeria Lee Harvey,   Case No. 21-cv-346 (WMW/DTS)

      Plaintiff,

v.   **REPORT AND RECOMMENDATION**

Minnesota Department of
Corrections, *et al.*,

      Defendants.

Plaintiff Nigeria Lee Harvey filed a motion for summary judgment on June 22, 2021. Docket No. 40. As the Defendants point out in their July 7, 8 and 13, 2021 letters to the Court [Docket Nos. 43, 44, 47], Harvey's motion is premature, as this case is in its early stages. He did not comply with District of Minnesota Local Rule 7.1(c)(1) ("Civil Motion Practice - Dispositive Motions") and did not seek permission from the Court to file an early summary judgment motion as set forth in District Judge Wilhelmina Wright's Practice Pointers. *See* Practice Pointers at 2 ("Parties may not file a motion for summary judgment before the discovery deadline unless they have received permission from the Court."), Docket No. 3, available at *www.mnd.uscourts.gov/judges-practice-pointers.* The discovery deadline in this lawsuit is December 9, 2021. Scheduling Order, Docket No. 46.

Accordingly, the Court recommends his motion be denied without prejudice as premature.

RECOMMENDATION

For the reasons set forth above, the Court RECOMMENDS THAT Plaintiff Nigeria

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Lee Harvey's Motion for Summary Judgment [Docket No. 40] be DENIED WITHOUT

PREJUDICE as premature.

Dated: July 15, 2021   ___s/David T. Schultz_____
                                                  DAVID T. SCHULTZ
                                                  U.S. Magistrate Judge

NOTICE

Filing Objections: This Report and Recommendation is not an order or judgment of the District Court and is therefore not appealable directly to the Eighth Circuit Court of Appeals.

Under Local Rule 72.2(b)(1), "a party may file and serve specific written objections to a magistrate judge's proposed finding and recommendations within 14 days after being served a copy" of the Report and Recommendation. A party may respond to those objections within 14 days after being served a copy of the objections. LR 72.2(b)(2). All objections and responses must comply with the word or line limits set for in LR 72.2(c).